

REMARKS

Claim 2 is amended. Claims 1-16 are now pending in the above-identified patent application.

§112 Rejection of the Claims

The Office action noted an antecedent basis error in claim 2. Claim 2 is amended to correct the antecedent basis error noted in the Office action.

§102 Rejection of the Claims

Claims 1, 4-6, 10, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Natu (U.S. 5,790,850). Applicant respectfully traverses the rejection of claims 1, 4-6, 10, and 11.

Claim 1 recites, "setting a latch for disabling said bootstrap processor if the testing indicates a failure." Claim 6 recites, "a latch for turning off said bootstrap processor." The Office action in paragraph 5 cites to Natu at column 2, lines 64-66 in an attempt to establish these elements. However, in contrast to claims 1 and 6, Natu at column 2, lines 64-66, recites, "The BSP is determined to have failed if its status bits reflect that it has failed during the current boot, or any previous boot." Thus, Natu rather than "disabling said bootstrap processor" or providing "a latch for turning off said bootstrap processor" only notes that "the BSP is determined to have failed if its status bits reflect that it has failed." Hence, Natu fails to disclose each of the elements of claims 1 and 6. Thus, the Office action fails to state a *prima facie* case of anticipation with respect to claims 1 and 6. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 1 and 6.

Claims 4 and 5 are dependent on claim 1. Claims 10 and 11 are dependent on claim 6. For reasons analogous to those stated above and the elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of anticipation with respect to claims 4, 5, 10, and 11. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 4, 5, 10, and 11.

§103 Rejection of the Claims

Claims 2, 3, 7-9, and 12-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natu in view of Steiert et al. (U.S. 6,122,735). Applicant respectfully traverses the rejection of claims 2, 3, 7-9, and 12-16.

Claims 2 and 3 are dependent on claim 1. Thus, claims 2 and 3 include all the elements of claim 1. Claims 7-9 are dependent on claim 6. Thus, claims 7-9 include all the elements of claim 6. For reasons analogous to those stated above with regard to the anticipation rejection of claims 1 and 6, applicant respectfully submits that neither Natu nor Steiert *et al.* teach or suggest, either alone or in combination, each of the elements of claims 1 and 6. Thus, neither Natu nor Steiert *et al.*, either alone or in combination, teach or suggest, each of the elements of claims 2, 3, and 7-9. Thus, the Office action fails to state a *prima facie* case of obviousness with respect to claims 2, 3, and 7-9. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 2, 3, and 7-9.

Claim 12 recites, "a timer," "a latch for turning said bootstrap processor off," and "said timer providing a signal indicating that a predetermined time has expired, which is applied to said latch to set said latch." In contrast, Natu fails to disclose "a timer" as noted in paragraph 9 of the Office action. And Steiert *et al.*, while disclosing a timer, fails to disclose a latch to receive a signal from the timer. Hence, neither Natu nor Steiert *et al.*, either alone or in combination, teach or suggest each of the elements of claim 12. Thus, the Office action fails to state a *prima facie* case of obviousness with respect to claim 12. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claim 12.

Claims 13-16 are dependent on claim 12. For reasons analogous to those stated above and elements in the claims, applicant respectfully submits that the Office action fails to state a *prima facie* case of obviousness with respect to claims 13-16. Therefore, applicant requests withdrawal of the rejections and reconsideration and allowance of claims 13-16.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone applicant's attorney at 612-371-2109 to facilitate prosecution of the above-identified patent application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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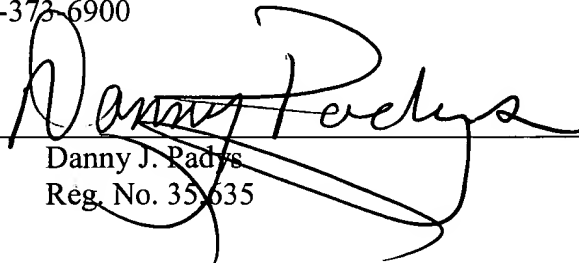
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612-373-6900

Date

October 4, 2004

By



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